IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

FRIDAY, THE 7TH SEPTEMBER 2007 / 16TH BHADRA 1929

Bail Appl..No. 5392 of 2007()

CRLMC.1836/2007 of D.C & SESSIONS COURT,TRIVANDRUM
CMP.3020/2007 of ADDL.C.J.M.,TRIVANDRUM

.....

PETITIONER : 3RD ACCUSED

UNNIKRISHNAN, S/O.KESAVAN NAIR, AGED 45,
T.C.7/123, LALITHA MANDIRAM, CHITRA NAGAR,
PANGODE, THIRUVANANTHAPURAM.

BY ADV. SRI.R.NARENDRAN NAIR
SRI.R.T.PRADEEP

RESPONDENTS:

STATE OF KERALA REPRESENTED BY THE
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

BY PUBLIC PROSECUTOR ADV.SRI.S.U.NAZER

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 07/09/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J

= = = = = = = = = = = = = =

B.A.No.5392 of 2007

= = = = = = = = = = = = = =

Dated this the 7th day of September, 2007

ORDER

Application for regular bail. The petitioner faces allegations under Sec.55(g) and 58 of the Kerala Abkari Act. The crux of the allegations against the petitioner is that he, the 3rd accused and accused 1and 2 were engaging themselves in the illicit activity of bottling and misbranding illicit liquor and selling the same as Indian Made Foreign liquor at and around the military canteen at Pangode. On 28.7.07, accused 1 and 2 were arrested along such liquor to the tune of 176 litres. While effecting the seizure the accused persons 1 and 2 were questioned and the complicity of the petitioner was revealed at that stage. A car was waiting in the premise. Accused 1 and 2 were to carry contraband articles to the petitioner who was responsible for distribution of the contraband article. Investigation is in progress. The petitioner was arrested on 03.08.07. He continues in custody from that date.

2. The learned counsel for the petitioner submits that the petitioner is absolutely innocent. No contraband articles have been seized from his premises. The petitioner may, in these circumstances, be released from custody,subject to appropriate conditions, prays the

learned counsel for the petitioner. The petitioner has no criminal antecedents also, points out the the learned counsel for the petitioner .

3. The learned Public Prosecutor stoutly opposes the application. The learned Public Prosecutor submits that the investigation is not complete. The petitioner has an important role in the illicit activity that was going on. In a serious crime like this the Investigators are certainly entitled to further time to complete the investigation.

4. In the wake of the opposition by the learned Public Prosecutor, regular bail can be granted to the petitioner only if this court is in a position to entertain the twin satisfactions under Section 41A of the Kerala Abkari Act. I do not find any circumstances which can persuade this court to entertain either of those two satisfactions at the moment. I am satisfied that this petition deserves to be dismissed now.

5. In the result, this petition is dismissed. I may hasten to observe that the petitioner shall be at liberty to move this court or the learned Sessions Judge for bail at a later stage of the investigation, not at any rate, prior to 20.09.2007. The Investigators shall, in the meantime, make every endeavour to complete the investigation.

(R.BASANT, JUDGE)

sj

/TRUE COPY/

P.A.TO JUDGE